

**Cabinet**

**16 January 2013**

**125 Year Lease to the Woodland Burial Trust CIC at South Road Cemetery, Durham**



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## **Report of Corporate Management Team**

**Ian Thompson, Corporate Director Regeneration and Economic Development, Terry Collins, Corporate Director Neighbourhood Services.**

**Councillor Neil Foster, Cabinet Portfolio Holder for Economic Regeneration, Councillor Brian Stephens, Cabinet Portfolio Holder for Neighbourhoods and Partnerships**

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### **Purpose of the Report**

- 1 To seek approval to grant a 125 year Lease to the Woodland Burial Trust to occupy Council land for use as a natural burial site.

### **Background**

- 2 Prior to Local Government Reorganisation there were active plans by Durham City Council to lease land adjacent the South Road Cemetery to an established community organisation for the purposes of natural burials. This got to the point of a draft lease being informally agreed, but was put on hold with Council reorganisation. The group has since evolved into Community Interest Company, (Woodland Burial Trust) and have maintained an active interest in the site.
- 3 Opportunity was taken to test public appetite for the proposal at the site as part of the 2011 bereavement services cemetery consultation, with 69% of 209 respondents favouring the scheme and only 5% against. At the Cabinet meeting on 22 September 2011 there was recognition of the group and a resolution to examine the business case, implementing arrangements subject to no budgetary pressure.
- 4 The Council is under no obligation to the group however, and a range of other service options exist, including direct delivery. On balance, however, not withstanding the recognition of their longstanding interest, working with the group is proposed, as it presents no investment risk to the Council, allows the obvious enthusiasm and expertise of the group to be realised, and opens that part of the site up to income opportunities that would not be available to the Council, thereby increasing its chances of success.

- 5 The site's use is limited to burials through a covenant on the land and complies to the requirements of both planning and Environment Agency and is situated to the eastern side of the existing South Road Cemetery (as shown in red on the attached plan) and amounts to 2.8 acres or thereabouts.

### **Recommendations and Reasons**

- 6 It is recommended that approval is given to grant The Woodland Burial Trust a lease of 125 years with the sole permitted use of a natural burial facility for the interment of human remains. This term is required as the burial rights for an individual last for 50 years and maintenance well after the site is full will be required.
- 7 An annual rent will be payable at the rate of 17.5% of net income generated from the sale of burial plots (for the avoidance of doubt net will be 50% of gross income). The rent will be reviewable every five years. The rent will be reduced to £1.00 (one pound) p.a. once the site has reached capacity. This initial rental period is in line with Council policy for the disposal of land at undervalue.
- 8 The Woodland Burial Trust will be responsible for the repairs, maintenance, insurance and all outgoings associated with the premises for the term of the lease.
- 9 The Woodland Burial Trust will be responsible for the payment of the Council's legal and surveyors fees in this matter.

### **Background Papers**

File reference RM 173 and Valuation Sheet  
Members Seminar – 'Grave Matters' 15 November 2010  
Cabinet Report-22 September 2011  
NSMT Report 20 February 2012

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## **Appendix 1: Implications**

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### **Finance –**

Rental income to the Council associated with income generated from burial plots sold through the proposed use as a natural burial ground plus the Council's fees in completing the required Lease.

### **Staffing –**

None

### **Risk –**

The Woodland Burial Trust may not be successful in implementing the proposed use on the site. The lease will seek to mitigate any potential mismanagement of the land and Neighbourhood Services are aware of the commitment they may need to make if the service is required to come back in house in the future given the burial rights that will be granted to customers.

### **Equality and Diversity –**

None

### **Accommodation –**

None

### **Crime and Disorder –**

None

### **Human Rights –**

None

### **Consultation –**

Public consultation in 2011. Consulted with Brian Stephens on 28 November 2012. Consulted with Councillor David Freeman, Councillor David Stoker and Councillor Neil Foster on 3 December 2012 and Legal Services have been consulted through the negotiation process.

### **Procurement –**

None

### **Disability Discrimination Act –**

None

### **Legal Implications –**

Legal implications are considered as part of the report.